

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WISCONSIN

EDGEWOOD HIGH SCHOOL OF THE SACRED
HEART, INC.,

Plaintiff,

Case No.

vs.

3:21-cv-0018-wmc

CITY OF MADISON, WISCONSIN, et
al.,

Defendants.

DEPOSITION OF: ALAN HARPER

TAKEN AT: GODFREY & KAHN, S.C.

LOCATED AT: One East Main Street, Suite 500
Madison, Wisconsin
August 31, 2022

1:00 p.m. to 1:53 p.m.

REPORTED BY: VICKY L. ST. GEORGE, RMR.

JOB NO. 5419461

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2 GODFREY & KAHN, S.C., by</p> <p>3 JONATHAN INGRISANO</p> <p>4 One East Main Street, Suite 500</p> <p>5 Madison, Wisconsin 53073</p> <p>6 (608) 257-3911</p> <p>7 jingrisano@gklaw.com</p> <p>8 Appeared on behalf of the Plaintiff.</p> <p>9 BOARDMAN & CLARK, LLP, by</p> <p>10 SARAH A. ZYLSTRA</p> <p>11 TANNER G. JEAN-LOUIS</p> <p>12 1 South Pinckney Street, 4th Floor</p> <p>13 Madison, Wisconsin 53701</p> <p>14 (608) 257-9521</p> <p>15 szylstra@boardmanclark.com</p> <p>16 Appeared on behalf of the Defendants.</p> <p>17</p> <p>18 INDEX</p> <p>19 WITNESS PAGE</p> <p>20 ALAN HARPER</p> <p>21 EXAMINATION BY MR. INGRISANO 3</p> <p>22</p> <p>23 EXHIBITS</p> <p>24 NUMBER DESCRIPTION PAGE</p> <p>25 Exhibit 168 Email String Dated 3-14-2019, 4</p> <p>CITY-DEF-052785</p> <p>Exhibit 169 Email String Dated 3-6-2019, 23</p> <p>CITY-DEF-052814</p> <p>REQUESTS - NONE</p> <p>(Original exhibits attached to original transcript.)</p> <p>(Original transcript was delivered to Attorney Ingrisano.)</p>	<p style="text-align: right;">Page 4</p> <p>1 A. BUNNOW.</p> <p>2 Q. And was he your supervisor in the year 2019?</p> <p>3 A. He was.</p> <p>4 Q. And do you know who he reports to?</p> <p>5 A. He reports currently to Matt Tucker.</p> <p>6 Q. And in 2019 who did he report to?</p> <p>7 A. George Hank.</p> <p>8 Q. As a planning specialist III -- I'm sorry, plan</p> <p>9 review specialist III, do you supervise anyone at the</p> <p>10 department?</p> <p>11 A. I do not.</p> <p>12 (Exhibit 168 marked.)</p> <p>13 BY MR. INGRISANO:</p> <p>14 Q. Mr. Harper, I'm handing you what's been marked as</p> <p>15 Exhibit 168 which is a three page email stream. Can</p> <p>16 you go ahead and just review that, familiarize</p> <p>17 yourself with that document?</p> <p>18 (Witness peruses document.)</p> <p>19 THE WITNESS: Okay.</p> <p>20 BY MR. INGRISANO:</p> <p>21 Q. Thank you. Sir, do you recognize that as an email</p> <p>22 stream from March of 2019 that you were a participant</p> <p>23 in?</p> <p>24 A. Other than the last email which I have not seen</p> <p>25 before. Oh, it did come to me, so I'm not familiar</p>
<p style="text-align: right;">Page 3</p> <p>1 TRANSCRIPT OF PROCEEDINGS</p> <p>2 ALAN HARPER called as a witness herein,</p> <p>3 after having been first duly sworn on oath, was</p> <p>4 examined and testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MR. INGRISANO:</p> <p>7 Q. Good afternoon, Mr. Harper. Can you please state</p> <p>8 your name and spell it for the record?</p> <p>9 A. It's Alan Harper, A L A N, H A R P E R.</p> <p>10 Q. And you're employed by the City of Madison, correct?</p> <p>11 A. Correct.</p> <p>12 Q. In what department?</p> <p>13 A. Building inspection.</p> <p>14 Q. What's your title with the building inspection</p> <p>15 department?</p> <p>16 A. Plan review specialist III.</p> <p>17 Q. And what are your job responsibilities as a plan</p> <p>18 review specialist III?</p> <p>19 A. Primarily reviewing building and heating plans but</p> <p>20 also issuing permits, land intake, some clerical</p> <p>21 work.</p> <p>22 Q. Thank you. And who is your supervisor presently at</p> <p>23 the building inspection department?</p> <p>24 A. Kyle Bunnaw.</p> <p>25 Q. Can you spell that last name for me?</p>	<p style="text-align: right;">Page 5</p> <p>1 with that one.</p> <p>2 Q. You don't have a recollection --</p> <p>3 A. I don't have -- I have a recollection of the full</p> <p>4 stream except for the last section of it.</p> <p>5 Q. Okay. Is your email address City of Madison,</p> <p>6 AHarper@CityofMadison.com?</p> <p>7 A. Yes, it is.</p> <p>8 Q. So let me ask you to take a look at the one, two,</p> <p>9 third email in this stream, the one that's at the</p> <p>10 bottom of page 52784, do you see that, from Alan</p> <p>11 Harper to Jennifer Luhman, March 14 at 2019, 1:41</p> <p>12 p.m., do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Sir, you authored that email, correct?</p> <p>15 A. That is correct.</p> <p>16 Q. And you cc'd George Hank on that email?</p> <p>17 A. I did.</p> <p>18 Q. The text of that email says "I'm really -- I am not</p> <p>19 really in the loop on this one but I thought you</p> <p>20 were. Due to the continued public outcry about the</p> <p>21 project, we have been told by the director of our</p> <p>22 department, George Hank, not to issue this permit</p> <p>23 until further notice."</p> <p>24 Did I read that correctly?</p> <p>25 A. That appears to be correct, yes.</p>

<p style="text-align: right;">Page 6</p> <p>1 Q. And you wrote that email, correct?</p> <p>2 A. I did write that email.</p> <p>3 Q. At the time you wrote that email, you believed the</p> <p>4 contents of that email to be true?</p> <p>5 MS. ZYLSTRA: Objection, form. You can</p> <p>6 answer. Go ahead.</p> <p>7 THE WITNESS: Okay. I believe that my</p> <p>8 intent is true.</p> <p>9 BY MR. INGRISANO:</p> <p>10 Q. What do you mean by that, sir?</p> <p>11 A. I mean that there is really four different parts to</p> <p>12 this email. First part absolutely true. I'm not</p> <p>13 really in the loop on this one but I thought you</p> <p>14 were. So I thought Jennifer Luhman was fully</p> <p>15 informed as to what was going on. I had no idea what</p> <p>16 was going on.</p> <p>17 Due to the public -- due to the continued</p> <p>18 public outcry about the project, that was my response</p> <p>19 to what I heard in the news. I mean it was splashed</p> <p>20 all over the place. So that was more my response to</p> <p>21 why -- I should say my response to what I believed</p> <p>22 was a reason we may not have been able to issue the</p> <p>23 permit yet.</p> <p>24 We have been told by the director of our</p> <p>25 department, George Hank, so George did contact us or</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. You said, start with the line that says "we have been</p> <p>2 told by the director of our department, George Hank."</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Who is the "we" that you are referring to?</p> <p>6 A. That's the ones that I referred to a second ago which</p> <p>7 would be, I believe, and I don't recall exactly, but</p> <p>8 I believe it would be the plan review staff which is</p> <p>9 also permit counter staff, the zoning staff and the</p> <p>10 clerical staff which would make sense because those</p> <p>11 would be the people involved in issuing the permit in</p> <p>12 our office.</p> <p>13 MR. INGRISANO: Can you read back that</p> <p>14 last answer for me?</p> <p>15 (Record read.)</p> <p>16 THE WITNESS: That's not quite correct.</p> <p>17 MR. INGRISANO: Okay.</p> <p>18 THE WITNESS: It was close.</p> <p>19 BY MR. INGRISANO:</p> <p>20 Q. Go ahead.</p> <p>21 A. No, I said the plan review staff who was also the</p> <p>22 permit counter staff.</p> <p>23 Q. The plan review staff is the same as the permit</p> <p>24 counter staff?</p> <p>25 A. Right.</p>
<p style="text-align: right;">Page 7</p> <p>1 talked to us, and I don't remember who he talked to</p> <p>2 or how, whether it was in person, it wasn't through</p> <p>3 an email, but I think between the permitting counter</p> <p>4 which would be myself and at that time Mike VanErem,</p> <p>5 Shannon Davis and probably the zoning staff and the</p> <p>6 clerical staff. He had told us that anything doing</p> <p>7 with this project he wanted to be the point person</p> <p>8 for information because he's the one that knew about</p> <p>9 what was going on there.</p> <p>10 And then not to issue the permit until</p> <p>11 further notice is because he was actually in the</p> <p>12 process of determining if all the proper approvals</p> <p>13 had been made and the submittal to us met those</p> <p>14 approvals. So really the first part, I wasn't in the</p> <p>15 loop. Second part, public outcry, that was me saying</p> <p>16 that it was my belief that this came because more</p> <p>17 entities within the City would be involved because</p> <p>18 there were so many people involved with it. And then</p> <p>19 George was the person who had the best possibility of</p> <p>20 determining who needed to approve what. And until</p> <p>21 further notice means that we couldn't issue then</p> <p>22 because we weren't sure if everything had been</p> <p>23 properly submitted and approved.</p> <p>24 Q. Okay. Let's break down that paragraph a little bit.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. So there are three groups?</p> <p>2 A. It's not "and".</p> <p>3 Q. Got it. So just I think that last answer kind of</p> <p>4 warrants just saying if you could slow down a little</p> <p>5 bit, and you have a tendency to trail off as you end</p> <p>6 your answer. So if you could try to slow down a</p> <p>7 little bit and finish strong, that will really help</p> <p>8 the court reporter, okay?</p> <p>9 A. Okay. I'll do what I can.</p> <p>10 Q. Thank you very much. So the plan review staff/permit</p> <p>11 counter staff, right, same people?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Zoning staff and the clerical staff, those are</p> <p>14 the three groups of people that you included in the</p> <p>15 "we".</p> <p>16 A. Right.</p> <p>17 Q. In this email. And were you there -- so you are</p> <p>18 technically part of the -- which of those three</p> <p>19 groups are you a part of?</p> <p>20 A. I am the plan review and permit counter staff.</p> <p>21 Q. Okay. Were you there when the zoning or clerical</p> <p>22 staff were advised of not to issue the permit by Mr.</p> <p>23 Hank?</p> <p>24 A. I don't recall.</p> <p>25 Q. How do you know that the zoning and clerical staff</p>

<p style="text-align: right;">Page 10</p> <p>1 were told not to issue that permit by Mr. Hank?</p> <p>2 A. I guess I don't know for sure that they weren't.</p> <p>3 Q. So was your intention on March 14, 2019 to include</p> <p>4 those three groups on the "we" that you knew at that</p> <p>5 point that zoning, plan review and clerical had been</p> <p>6 included, or is that your testimony now, sir, that</p> <p>7 looking back on it, that's who would have been</p> <p>8 included in the "we"?</p> <p>9 MS. ZYLSTRA: Objection, form, foundation.</p> <p>10 You can answer.</p> <p>11 THE WITNESS: I would say that the "we" --</p> <p>12 my recollection is that he did talk to all of us,</p> <p>13 but I can't remember the method of communicating</p> <p>14 with us.</p> <p>15 BY MR. INGRISANO:</p> <p>16 Q. So you don't know if you had a personal conversation</p> <p>17 with George Hank before sending this email about not</p> <p>18 issuing that permit?</p> <p>19 A. Can you repeat?</p> <p>20 Q. Yeah. Let me ask you, do you recall speaking with</p> <p>21 George Hank personally, either face-to-face or on the</p> <p>22 phone, on his instruction not to issue that permit?</p> <p>23 A. I can't recall exactly.</p> <p>24 Q. Okay. Can you recall generally?</p> <p>25 A. Generally I did speak to him. And I did speak to him</p>	<p style="text-align: right;">Page 12</p> <p>1 MS. ZYLSTRA: Object to form and</p> <p>2 foundation. You should testify to what you recall</p> <p>3 and not speculate.</p> <p>4 MR. INGRISANO: Please let him finish his</p> <p>5 answer.</p> <p>6 BY MR. INGRISANO:</p> <p>7 Q. Go ahead, sir, finish your answer.</p> <p>8 A. If I had received an email that said the permit</p> <p>9 hasn't been issued, do you have everything you need</p> <p>10 from me for this, to get an answer to that question,</p> <p>11 I would have had to ask George because I wouldn't</p> <p>12 have known.</p> <p>13 Q. How many -- did you have -- so this email stream on</p> <p>14 the Edgewood permit dates all -- your involvement</p> <p>15 dates all the way back to Wednesday, March 6th of</p> <p>16 2009, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Did you have, in that preceding week before March 14,</p> <p>19 did you have any communication with George Hank on</p> <p>20 the Edgewood permit that you can recall?</p> <p>21 A. I do not recall.</p> <p>22 Q. So you don't recall -- do you know how -- let me ask</p> <p>23 you this.</p> <p>24 Do you know how he told other people in</p> <p>25 your department in the zoning or clerical staff not</p>
<p style="text-align: right;">Page 11</p> <p>1 because I was getting -- I was being asked whether we</p> <p>2 could issue the permit. So I do know that I -- I</p> <p>3 spoke to him, but I don't know if I spoke to him in</p> <p>4 the group or if he spoke to us together.</p> <p>5 Q. So the prior email below the one you sent at 1:41,</p> <p>6 prior email from Jennifer Luhman was the same day at</p> <p>7 1:03 p.m., do you see that?</p> <p>8 A. Not that one. Which one is it? Oh, it's this one.</p> <p>9 Okay. So you're talking about the one from Jennifer?</p> <p>10 Q. Yes.</p> <p>11 A. Okay.</p> <p>12 Q. That's about 38 minutes before you sent your email?</p> <p>13 A. Yes.</p> <p>14 Q. Back to her, correct, at 1:41?</p> <p>15 A. Right.</p> <p>16 Q. Okay. Did you speak to Mr. Hank between those two</p> <p>17 emails? In that 38 minute period, do you recall</p> <p>18 speaking with Mr. Hank on whether to issue this</p> <p>19 permit?</p> <p>20 MS. ZYLSTRA: Objection, form, foundation.</p> <p>21 You can answer.</p> <p>22 THE WITNESS: I don't remember</p> <p>23 specifically speaking to him at that time. However,</p> <p>24 if I had gotten this email, completely supposition</p> <p>25 here --</p>	<p style="text-align: right;">Page 13</p> <p>1 to issue the permit?</p> <p>2 MS. ZYLSTRA: Objection, form, foundation.</p> <p>3 You can answer, sir.</p> <p>4 THE WITNESS: I'm sorry, now I forgot what</p> <p>5 the question was.</p> <p>6 BY MR. INGRISANO:</p> <p>7 Q. Do you know how he told other people that you</p> <p>8 mentioned included in the "we," the zoning staff, the</p> <p>9 clerical staff, do you know how he told them not to</p> <p>10 issue the permit?</p> <p>11 MS. ZYLSTRA: Same objections. You can</p> <p>12 answer.</p> <p>13 THE WITNESS: I may know but I don't</p> <p>14 recall. So if it was a meeting amongst all the</p> <p>15 people, obviously I would know that. But I don't</p> <p>16 recall if there was a meeting amongst all the</p> <p>17 people.</p> <p>18 BY MR. INGRISANO:</p> <p>19 Q. Did you have any conversations with any department</p> <p>20 staff after this email?</p> <p>21 A. Which email are you referring to?</p> <p>22 Q. This email being the March 14, 2019, 1:41 email. Did</p> <p>23 you have any other communications with folks in your</p> <p>24 department after sending that email about not issuing</p> <p>25 the permit?</p>

<p style="text-align: right;">Page 14</p> <p>1 A. Yes, I had conversations with George. 2 Q. Okay. Anyone else besides George? 3 A. I don't recall anyone else. 4 Q. You and George work in the same office area? 5 A. At the time we did, yes. 6 Q. He's retired now, right? 7 A. Yes. 8 Q. How far away is your office from his or was it at the 9 time in 2019? 10 A. Probably 50 feet. 11 Q. And during this period of time, March 2019, was it 12 your -- were you generally working in the office? 13 You weren't working remotely? 14 A. Correct. 15 Q. Was Mr. Hank working remotely or was he generally in 16 the office? 17 A. He was often in the office, but he was also not in 18 the office due to meetings, things like that. 19 Q. Sure. So you recall specifically at some point Mr. 20 Hank would have told you not to issue the permit, but 21 you don't know how he would have told you that; is 22 that fair? 23 A. I don't think that's correct. I don't issue the 24 permits. So he wouldn't have told me not to issue 25 the permit. He would have told me that if anybody</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. So, sir, were you told by George Hank not to issue 2 this permit or not? 3 A. I was -- 4 MS. ZYLSTRA: Object to the form. Go 5 ahead. 6 THE WITNESS: I was not because I don't 7 issue permits or I do -- to clarify, I do issue 8 permits, but this permit would have been handled by 9 the clerical staff, not myself. 10 BY MR. INGRISANO: 11 Q. So you wrote "we have been told by the director of 12 our department, George Hank, not to issue this 13 permit." 14 Do you see that? 15 A. Yes. 16 Q. Is that a lie? 17 MS. ZYLSTRA: Objection, form. 18 BY MR. INGRISANO: 19 Q. Were you not -- are you saying today that you were 20 not told by the director of our department, George 21 Hank, to issue this permit? 22 MS. ZYLSTRA: Same objection. You can 23 answer. 24 THE WITNESS: We were not told by George 25 Hank, the director, not to issue the permit at that</p>
<p style="text-align: right;">Page 15</p> <p>1 contacts us, have them contact him. 2 Q. But you didn't write that in your email, did you? 3 MS. ZYLSTRA: Object to the form. 4 THE WITNESS: I didn't. And we're talking 5 about the email on the 14th? 6 BY MR. INGRISANO: 7 Q. I'm talking about the email on the 14th at 1:41 p.m. 8 A. All right. 9 Q. You did not inform Ms. Luhman to contact Mr. Hank, 10 correct? 11 A. I had informed Ms. Luhman on several occasions by 12 telephone that she should be contacting George Hank. 13 Q. About the Edgewood permit? 14 A. About the Edgewood permit. 15 Q. But you didn't, when you had a chance to do so in 16 writing on any of the occasions in this email stream, 17 Exhibit 168, you didn't reiterate what you were 18 claiming to tell her on the phone which is she should 19 be calling George Hank? 20 MS. ZYLSTRA: Object to form. Go ahead. 21 THE WITNESS: Which is why I wrote I'm not 22 really in the loop on this one but I thought you 23 were thinking that she had been in contact with 24 George. 25 BY MR. INGRISANO:</p>	<p style="text-align: right;">Page 17</p> <p>1 time. 2 BY MR. INGRISANO: 3 Q. So you were not told, is that what you're saying? 4 Were you told, sir, or were you not told? 5 MS. ZYLSTRA: Objection, form. You can 6 answer. 7 THE WITNESS: Okay. We were told by the 8 director to have anyone contact him with -- to get 9 information about the permit, and we were also told 10 that the permit could not be issued at that time. 11 BY MR. INGRISANO: 12 Q. And were you told by -- and you were told this by Mr. 13 Hank? 14 A. Yes. 15 Q. And did he tell you why you should not issue the 16 permit and why you should have people contact Mr. 17 Hank? 18 A. He told us because he needed to look further into the 19 approvals, make sure the approvals were all in place 20 and proper and the submittal for the permit met those 21 approvals. And so he was contacting any entities 22 that may have had some say in this, and there are 23 several of them, many of them I don't even know who 24 they would be because I don't deal with that section, 25 I only deal with permits, I don't deal with approvals</p>

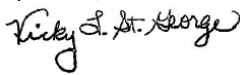
<p style="text-align: right;">Page 18</p> <p>1 of projects such as this. So that is what he was 2 getting across to us, that he needed to know that 3 everything was properly done before we could issue 4 it. And at that point he didn't know that. 5 Q. And you knew this as of 1:41 p.m. on March 14th, 6 2019, you knew all that when you wrote this email to 7 Ms. Luhman, correct? 8 MS. ZYLSTRA: Objection, form. You can 9 answer. 10 THE WITNESS: Yes, I did know that George 11 was still looking into the matter to make sure that 12 everything was proper at that point. 13 BY MR. INGRISANO: 14 Q. But your email to Ms. Luhman at 1:41 does not explain 15 that George Hank is still looking into the various 16 aspects of the permit, correct? 17 A. I was under the impression that she already knew 18 that. 19 Q. Your email at 1:41 p.m. does not say anything to Ms. 20 Luhman about George Hank's process in looking at 21 issuing that permit, correct? 22 A. It does not say anything about that, that is correct. 23 Q. And in fact, your email goes on to say that instead 24 due to the issuance -- nonissuance of the permit is 25 due to the continued public outcry about the project,</p>	<p style="text-align: right;">Page 20</p> <p>1 he didn't actually say to you, correct? 2 MS. ZYLSTRA: Objection, form. 3 THE WITNESS: I did rewrite this, this 4 paragraph, because originally when I wrote it, it 5 did look like I was attributing the fact that the 6 permit was not being issued to George. When I 7 rewrote it, I felt that this was showing that there 8 were other extenuating circumstances still out there 9 waiting to be looked into and there was going to be 10 more issues with this one because there were so many 11 people involved from the public, from Edgewood, from 12 wherever. 13 BY MR. INGRISANO: 14 Q. And but you aren't familiar with this project. 15 You're out of the loop, correct? 16 A. I knew of the project. I didn't know any of the 17 specifics of what was going on in the project. 18 Q. So how do you know that there was continued public 19 outcry that was resulting in this permit not being 20 issued? 21 MS. ZYLSTRA: Objection, form. You can 22 answer. 23 THE WITNESS: I don't know that. I knew 24 that there was a significant amount of public 25 outcry. I didn't know if that had anything to do</p>
<p style="text-align: right;">Page 19</p> <p>1 correct? 2 MS. ZYLSTRA: Objection, form, you can 3 answer. 4 THE WITNESS: It does not say that. 5 BY MR. INGRISANO: 6 Q. Your email says, "due to the continued public outcry 7 about the project, we have been told." 8 Correct? 9 MS. ZYLSTRA: Objection, form. You can 10 answer. 11 THE WITNESS: It does say "due to the 12 continued public outcry about the project, we have 13 been told." 14 BY MR. INGRISANO: 15 Q. You're saying right now today that was not George 16 Hank's reasoning for telling you not to issue the 17 permit, correct? 18 A. I am saying that was not George's -- the public 19 outcry was not George's reason for -- 20 Q. Right. So you made that up, correct? 21 MS. ZYLSTRA: Objection, form. You can 22 answer. 23 THE WITNESS: No, I didn't make it up. 24 BY MR. INGRISANO: 25 Q. So you're attributing to George Hank an intent that</p>	<p style="text-align: right;">Page 21</p> <p>1 with it being issued or not being issued, but I did 2 know that there was very possibly several entities 3 because there were so many people in the public 4 involved in this that there would probably be more 5 entities possibly, though I don't even know what the 6 process is, that would be involved and approvals 7 that would need to be done. 8 BY MR. INGRISANO: 9 Q. So your testimony today, sir, is that you put the 10 notion of a continued public outcry and the 11 nonissuance of the permit in the same sentence but 12 didn't really know if they were connected or not; is 13 that fair? 14 A. Obviously there is some connection but the connection 15 is what I just said is that because of -- because of 16 the amount of public interest in the project, there 17 may have been other levels of approvals that were 18 needed beyond a simple lighting plan approval, zoning 19 approval. There may have been other entities 20 involved which I had no idea what they were because 21 I'm not involved with that process. 22 Q. Sir, your email goes on to say that -- I'm sorry. 23 But it's your testimony here today under 24 oath that George Hank did not tell you that this 25 permit should not be issued because of continued</p>

<p style="text-align: right;">Page 22</p> <p>1 public outcry, is that your testimony today?</p> <p>2 A. That is.</p> <p>3 Q. Mr. Hank told you not to issue the permit until</p> <p>4 further notice, correct?</p> <p>5 MS. ZYLSTRA: Objection, form. You can</p> <p>6 answer.</p> <p>7 THE WITNESS: That may not have been his</p> <p>8 exact words. However, he did tell us that he was</p> <p>9 still looking into the matter and needed to get --</p> <p>10 make sure everything was done accurately before</p> <p>11 issuing the permit.</p> <p>12 BY MR. INGRISANO:</p> <p>13 Q. But recognized as of March 14 at 1:41 p.m. that the</p> <p>14 plans underlying that permit had been approved and</p> <p>15 the permit was otherwise ready to issue, correct?</p> <p>16 MS. ZYLSTRA: Objection, form, foundation.</p> <p>17 THE WITNESS: Okay. So now you're</p> <p>18 referring to --</p> <p>19 BY MR. INGRISANO:</p> <p>20 Q. I'm asking, sir, as to your recollection, your</p> <p>21 knowledge at that point in time. You recognized on</p> <p>22 March 14 that the plans had been approved and a</p> <p>23 permit was otherwise ready to issue, correct?</p> <p>24 MS. ZYLSTRA: Objection, form, foundation.</p> <p>25 THE WITNESS: I did know that the lighting</p>	<p style="text-align: right;">Page 24</p> <p>1 A. It does appear to be the same email stream.</p> <p>2 Q. When Ms. Luhman sent you that email with the</p> <p>3 attachment, you looked at the plans that she</p> <p>4 enclosed, correct?</p> <p>5 MS. ZYLSTRA: Objection, form. You can</p> <p>6 answer.</p> <p>7 THE WITNESS: I probably looked at the</p> <p>8 first page showing that the site plan review had</p> <p>9 been approved.</p> <p>10 BY MR. INGRISANO:</p> <p>11 Q. If you look at the first page of exhibit -- sorry,</p> <p>12 second page of Exhibit 169, it's not a great copy,</p> <p>13 but you can tell, sir, that the lighting review was</p> <p>14 status approved, correct?</p> <p>15 A. I can see that, yes.</p> <p>16 Q. As of February 27, 2019; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. Can you see, sir, the zoning review is also status</p> <p>19 approved?</p> <p>20 MS. ZYLSTRA: Objection, form.</p> <p>21 THE WITNESS: I can't actually see that.</p> <p>22 BY MR. INGRISANO:</p> <p>23 Q. All right. That's not a great copy. I'll hand you</p> <p>24 what's been previously marked as Exhibit 3. I'll</p> <p>25 represent to you that that's the same document or</p>
<p style="text-align: right;">Page 23</p> <p>1 plan had been approved which means that it met the</p> <p>2 lighting ordinance. I knew that zoning had signed</p> <p>3 off on the permit which meant it met whatever zoning</p> <p>4 would require. Typically if I see that on a permit</p> <p>5 such as this, I would expect that would be ready to</p> <p>6 be issued.</p> <p>7 BY MR. INGRISANO:</p> <p>8 Q. Earlier in this Exhibit 168, Mr. Harper, on the</p> <p>9 second page there is a March 6 email from Jennifer</p> <p>10 Luhman, 8:14 a.m., do you see that?</p> <p>11 A. Um-hum.</p> <p>12 Q. Sorry, is that a yes?</p> <p>13 A. Yes.</p> <p>14 Q. Sorry. The court reporter has a hard time with</p> <p>15 ah-hahs and uh-uhs. Thank you.</p> <p>16 And Ms. Luhman writes to you to say</p> <p>17 "attached are the approved lighting plans."</p> <p>18 Do you see that?</p> <p>19 A. I do see that.</p> <p>20 (Exhibit 169 marked.)</p> <p>21 BY MR. INGRISANO:</p> <p>22 Q. Mr. Harper, do you recognize Exhibit 169 as an</p> <p>23 earlier iteration of that email stream from 168 that</p> <p>24 attaches the approved lighting plans forwarded to you</p> <p>25 by Ms. Luhman?</p>	<p style="text-align: right;">Page 25</p> <p>1 similar document to what you have on the second page</p> <p>2 of Exhibit 169.</p> <p>3 Do you see, sir, from that document that</p> <p>4 zoning review by Christina Thiele is stamped or</p> <p>5 marked as status approved?</p> <p>6 A. I do see that.</p> <p>7 Q. And that's as of March 1, 2019?</p> <p>8 A. Oh, didn't know that was a question. Yes, it says</p> <p>9 March 1st, 2019.</p> <p>10 Q. Going back to Exhibit 169, sir, on the third page of</p> <p>11 that do you see a site plan approval stamp on the</p> <p>12 third page of this Exhibit 169?</p> <p>13 A. I do.</p> <p>14 Q. And do you recognize the signature on that site plan</p> <p>15 approval?</p> <p>16 A. Appears to be the signature of Chrissy Thiele.</p> <p>17 Q. And what's the final approval date identified on that</p> <p>18 document?</p> <p>19 A. Appears to be March 1st, 2019.</p> <p>20 Q. So, sir, is it fair to say that the second and third</p> <p>21 pages of Exhibit 169 would indicate to you that this</p> <p>22 is a plan that's been approved and that a permit</p> <p>23 should be ready to issue?</p> <p>24 MS. ZYLSTRA: Objection, form, foundation.</p> <p>25 THE WITNESS: Yes, I'd say so.</p>

<p style="text-align: right;">Page 26</p> <p>1 BY MR. INGRISANO:</p> <p>2 Q. In your experience -- how long have you been with the</p> <p>3 building inspection department?</p> <p>4 A. 22 years.</p> <p>5 Q. In your 22 years, sir, have you ever seen a situation</p> <p>6 where you saw a document, where you saw approvals</p> <p>7 like you see on page 2 and 3 of Exhibit 169 where</p> <p>8 plans have been approved where a permit was withheld</p> <p>9 and not issued by the City of Madison?</p> <p>10 MS. ZYLSTRA: Objection, form, foundation.</p> <p>11 You can answer.</p> <p>12 THE WITNESS: I would say nearly 100</p> <p>13 percent of the time.</p> <p>14 BY MR. INGRISANO:</p> <p>15 Q. It's -- the permit is issued?</p> <p>16 A. Is not issued at the point of the site plan review</p> <p>17 being approved.</p> <p>18 Q. So despite seeing the approvals on page 2 and page 3,</p> <p>19 you're saying that 100 percent, almost 100 percent of</p> <p>20 the time that permit would still not issue?</p> <p>21 A. Now you have to remember we're talking about lighting</p> <p>22 plans here.</p> <p>23 Q. Yes.</p> <p>24 A. I never see lighting plans. So in this case this is</p> <p>25 a singularity. I deal with heating plans, building</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. And you're talking about at that point her coming in</p> <p>2 online -- sorry, coming in or by mail or online</p> <p>3 pulling that permit, correct?</p> <p>4 A. Correct.</p> <p>5 MS. ZYLSTRA: Objection.</p> <p>6 BY MR. INGRISANO:</p> <p>7 Q. So based on what you saw with Exhibit 169, you</p> <p>8 believed that permit was ready to be pulled, correct?</p> <p>9 MS. ZYLSTRA: Objection, form, foundation.</p> <p>10 You can answer.</p> <p>11 THE WITNESS: I did believe that at that</p> <p>12 time, yes.</p> <p>13 BY MR. INGRISANO:</p> <p>14 Q. And that was consistent with your practice working at</p> <p>15 the building inspection department in issuing permits</p> <p>16 on behalf of the City of Madison, correct?</p> <p>17 MS. ZYLSTRA: Objection, form, foundation.</p> <p>18 You can answer.</p> <p>19 BY MR. INGRISANO:</p> <p>20 Q. You said one of your job functions, sir, was issuing</p> <p>21 permits for the City of Madison. And what I'm asking</p> <p>22 you, sir, is the fact that you told Ms. Luhman on</p> <p>23 that date that yup, you have approved plans, you can</p> <p>24 come in or by mail or online pull that permit, that</p> <p>25 was consistent with what you had seen in your 22</p>
<p style="text-align: right;">Page 27</p> <p>1 plans and occasionally plumbing. So I will see a</p> <p>2 document like this quite often with building plans,</p> <p>3 building plans, and when I see this and it has all</p> <p>4 approvals on it, that doesn't mean the permit has</p> <p>5 been approved yet. As far as I know, this is the</p> <p>6 only lighting plan approval I have ever seen.</p> <p>7 Q. So when you are asked to issue a permit -- let me ask</p> <p>8 you this.</p> <p>9 Go back to Exhibit 168, sir.</p> <p>10 A. Okay.</p> <p>11 Q. Second page.</p> <p>12 A. Um-hum.</p> <p>13 Q. After receiving -- after receiving the plans attached</p> <p>14 to Exhibit 169, you write to Ms. Luhman at 8:53 a.m.</p> <p>15 on March 6th, "I didn't realize you had approved</p> <p>16 plans."</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. So you were able to look at Exhibit 169 and confirm</p> <p>20 that she did in fact have approved plans, correct?</p> <p>21 A. Correct.</p> <p>22 Q. All right. You go on to say "yes, you can do this</p> <p>23 online or by mail or come in."</p> <p>24 Did I read that correctly?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 29</p> <p>1 years at the City of Madison, correct?</p> <p>2 MS. ZYLSTRA: Objection, form, foundation.</p> <p>3 THE WITNESS: That was my understanding at</p> <p>4 the time that the permit could be issued.</p> <p>5 BY MR. INGRISANO:</p> <p>6 Q. Got it. And that understanding changed at some</p> <p>7 point; is that fair?</p> <p>8 MS. ZYLSTRA: Objection, form, foundation.</p> <p>9 You can answer.</p> <p>10 THE WITNESS: That's fair.</p> <p>11 BY MR. INGRISANO:</p> <p>12 Q. And when did that understanding change, sir?</p> <p>13 A. Sometime between the 6th and the 14th.</p> <p>14 Q. But you don't know when?</p> <p>15 A. No, I don't know when.</p> <p>16 Q. And you don't know how Mr. Hank conveyed this</p> <p>17 information to you, correct?</p> <p>18 MS. ZYLSTRA: Objection, form. You can</p> <p>19 answer.</p> <p>20 THE WITNESS: I do not know.</p> <p>21 BY MR. INGRISANO:</p> <p>22 Q. In your prior emails back to Ms. Luhman prior to your</p> <p>23 March 14, 1:41 p.m. email, you hadn't copied George</p> <p>24 Hank, correct?</p> <p>25 A. That goes back to the one where I told -- going back</p>

<p style="text-align: right;">Page 30</p> <p>1 to March 6th at 8:53 a.m., you're saying at that</p> <p>2 point I hadn't talked to George?</p> <p>3 Q. Sir, I asked a very specific question.</p> <p>4 In your emails prior to Ms. Luhman, prior</p> <p>5 to March 14 at 1:41 p.m., all the prior emails in</p> <p>6 this Exhibit 168, you had never copied George Hank</p> <p>7 previously, correct?</p> <p>8 A. That is correct.</p> <p>9 Q. You had copied a Lisa Antony, correct?</p> <p>10 A. That is correct.</p> <p>11 Q. Who is Lisa Antony?</p> <p>12 A. Lisa Antony is the original person who Jennifer</p> <p>13 contacted on March 5th asking if they can apply for</p> <p>14 this permit online. Lisa is one of the people who</p> <p>15 would deal with online permits. She works in</p> <p>16 clerical staff.</p> <p>17 Q. So Lisa is a clerical staff; is that right?</p> <p>18 A. Correct.</p> <p>19 Q. So as a member of the clerical staff, you believe she</p> <p>20 also would have been told by George Hank not to issue</p> <p>21 this permit, correct?</p> <p>22 A. I believe she would have been.</p> <p>23 Q. Did you have any conversations with Lisa Antony about</p> <p>24 issuing or not issuing this permit either before or</p> <p>25 after your March 14, 1:41 p.m. email?</p>	<p style="text-align: right;">Page 32</p> <p>1 email and could communicate with each other.</p> <p>2 Q. But you believe you had talked to -- let me ask you</p> <p>3 this.</p> <p>4 Did you talk to George about the Edgewood</p> <p>5 permit more generally or in relation to the specific</p> <p>6 email from Ms. Luhman on March 14th to the best of</p> <p>7 your recollection?</p> <p>8 MS. ZYLSTRA: Object to the form,</p> <p>9 foundation. You can answer.</p> <p>10 THE WITNESS: After sending the email on</p> <p>11 March 14th, George called me into his office which</p> <p>12 resulted -- and I asked him if I should send a</p> <p>13 clarification of that email, and he said that he</p> <p>14 would. And then he sent the email at 4:59.</p> <p>15 BY MR. INGRISANO:</p> <p>16 Q. What else did George tell you in that call into his</p> <p>17 office after you sent your email at 1:41 p.m?</p> <p>18 A. That was a very brief meeting.</p> <p>19 Q. Okay. I understand it's brief. What else did he say</p> <p>20 during that meeting?</p> <p>21 A. He said that he didn't feel that I worded the email</p> <p>22 very well. I asked him if I should send a</p> <p>23 clarification, and he said that he would do so and</p> <p>24 that was the extent of it.</p> <p>25 Q. And had you talked to him about the wording of your</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Certainly not before the March 6th email where I</p> <p>2 stated it can be applied for online.</p> <p>3 Q. How about after?</p> <p>4 A. Can you repeat the question?</p> <p>5 Q. Have you had any conversations with Ms. Lisa Antony</p> <p>6 about George Hank's instruction not to issue this</p> <p>7 permit?</p> <p>8 A. Well, speculating that she was in with the people</p> <p>9 that were told at the same time, if that happened,</p> <p>10 she would have known it.</p> <p>11 MS. ZYLSTRA: His question is whether you</p> <p>12 recall any specific communications you had with her.</p> <p>13 THE WITNESS: Okay. I don't recall any</p> <p>14 specific communications I had with her.</p> <p>15 BY MR. INGRISANO:</p> <p>16 Q. How about any general communications with her on the</p> <p>17 topic of not issuing the Edgewood permit?</p> <p>18 A. I didn't have any -- I don't believe I had any</p> <p>19 conversations with her on the topic of not issuing</p> <p>20 it. I did have conversations with her about Jennifer</p> <p>21 Luhman asking about it being issued or not.</p> <p>22 Q. Why did you copy George Hank on your 1:41 p.m. email?</p> <p>23 A. Because if Jennifer had not been in contact with</p> <p>24 George, then she needed to be, so I included George</p> <p>25 so that Jennifer and George would be on the same</p>	<p style="text-align: right;">Page 33</p> <p>1 email at 1:41 p.m. prior to sending it?</p> <p>2 A. I did not.</p> <p>3 Q. Did Mr. Hank talk to you about 80 foot poles being a</p> <p>4 violation of the master plan?</p> <p>5 A. He did not.</p> <p>6 Q. Were you involved with any communications with</p> <p>7 Assistant City Attorney John Strange involving your</p> <p>8 email or the response on that date, March 14th?</p> <p>9 A. I'm not at all familiar with John Strange.</p> <p>10 Q. You don't have any recollection of speaking with Mr.</p> <p>11 Strange?</p> <p>12 A. I don't have any recollection of that name.</p> <p>13 Q. Do you have a recollection of speaking with anyone in</p> <p>14 the assistant -- in the City Attorney's Office on</p> <p>15 March 14 regarding the email that you sent on that</p> <p>16 date?</p> <p>17 A. I did not talk to anybody in the City Attorney's</p> <p>18 Office.</p> <p>19 Q. Please describe Mr. Hank's demeanor and affect</p> <p>20 towards you when he called you into his office on</p> <p>21 March 14.</p> <p>22 MS. ZYLSTRA: Object to form. You can</p> <p>23 answer.</p> <p>24 THE WITNESS: He was concerned that what I</p> <p>25 wrote could be misconstrued.</p>

<p style="text-align: right;">Page 34</p> <p>1 BY MR. INGRISANO:</p> <p>2 Q. Anything else?</p> <p>3 A. No.</p> <p>4 Q. Did you receive any -- besides not liking your</p> <p>5 phrasing, did he express any other criticism of you</p> <p>6 for your handling of that situation?</p> <p>7 A. No, he didn't.</p> <p>8 Q. Have you had any kind of negative employment</p> <p>9 consequences as a result of sending that email on</p> <p>10 March 14?</p> <p>11 A. I have not.</p> <p>12 MS. ZYLSTRA: Late objection to form.</p> <p>13 Sorry.</p> <p>14 BY MR. INGRISANO:</p> <p>15 Q. So Mr. Hank in his email at 4:59 p.m. that same day</p> <p>16 writes, "Alan is definitely out of the loop. It had</p> <p>17 nothing to do with public outcry."</p> <p>18 Correct?</p> <p>19 A. That is what he wrote.</p> <p>20 Q. So he's directly contradicting what you wrote in your</p> <p>21 prior email, correct?</p> <p>22 MS. ZYLSTRA: Objection, form, foundation.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: I don't think so.</p> <p>25 BY MR. INGRISANO:</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Sir, what did you do to prepare for your deposition</p> <p>2 today?</p> <p>3 A. When I first found out I was going to be deposed, I</p> <p>4 looked through the -- any records I could find in our</p> <p>5 office to see what the historical record was.</p> <p>6 Q. Anything else?</p> <p>7 A. I met with the lawyer.</p> <p>8 Q. When?</p> <p>9 A. Yesterday.</p> <p>10 Q. For how long?</p> <p>11 A. Two-and-a-half hours.</p> <p>12 Q. Did you review any documents with counsel?</p> <p>13 MS. ZYLSTRA: You can answer.</p> <p>14 THE WITNESS: We did.</p> <p>15 BY MR. INGRISANO:</p> <p>16 Q. What documents did you review?</p> <p>17 A. Reviewed, let's see, what did we review. Reviewed a</p> <p>18 email chain similar to Exhibit 168 minus the last</p> <p>19 email on there which I don't believe was on what we</p> <p>20 looked at.</p> <p>21 Q. Okay. Anything else?</p> <p>22 A. We looked at a plan review letter that I had written</p> <p>23 for Edgewood so that we could get -- establish a --</p> <p>24 MS. ZYLSTRA: Careful. Just what you</p> <p>25 reviewed, not any --</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. So you write, "due to the continued public outcry</p> <p>2 about the project, we have been told."</p> <p>3 And he writes later, "it had nothing to do</p> <p>4 with public outcry."</p> <p>5 So he's contradicting what you wrote to</p> <p>6 Jennifer Luhman, correct?</p> <p>7 MS. ZYLSTRA: Object to the form.</p> <p>8 THE WITNESS: I don't think so.</p> <p>9 BY MR. INGRISANO:</p> <p>10 Q. Okay.</p> <p>11 A. I don't think so because the "it" he's talking about</p> <p>12 is the issuance of the permit. So he's saying the</p> <p>13 issuance of the permit had nothing to do with public</p> <p>14 outcry.</p> <p>15 Q. You mean the nonissuance of the permit?</p> <p>16 A. Issuance or nonissuance.</p> <p>17 Q. Okay.</p> <p>18 A. Either way.</p> <p>19 Q. And what were you saying was due to the continued</p> <p>20 public outcry in your email?</p> <p>21 A. In my email I'm saying that due to public outcry,</p> <p>22 there may be many more entities, approval layers</p> <p>23 involved than what I would -- what I would expect on</p> <p>24 some other projects. But I have no idea what they</p> <p>25 have for approval levels.</p>	<p style="text-align: right;">Page 37</p> <p>1 BY MR. INGRISANO:</p> <p>2 Q. What was the plan letter about, sir?</p> <p>3 MS. ZYLSTRA: Not the discussions with us,</p> <p>4 but you can answer as to that.</p> <p>5 THE WITNESS: It was for a -- an</p> <p>6 alteration to a building, alteration.</p> <p>7 BY MR. INGRISANO:</p> <p>8 Q. On the Edgewood College campus?</p> <p>9 A. On the Edgewood College campus.</p> <p>10 Q. Anything else that you recall looking at?</p> <p>11 A. I don't recall anything else.</p> <p>12 Q. Okay. Have you had communication with anyone else in</p> <p>13 your department about your -- the substance of your</p> <p>14 testimony today?</p> <p>15 A. I have not.</p> <p>16 Q. Have you had any communication with Mr. Hank</p> <p>17 regarding the substance of your testimony today?</p> <p>18 A. I have not.</p> <p>19 MR. INGRISANO: I've got nothing further.</p> <p>20 Thank you.</p> <p>21 MS. ZYLSTRA: We reserve the right to read</p> <p>22 and sign.</p> <p>23 COURT REPORTER: Would you like the same</p> <p>24 transcript order?</p> <p>25 MS. ZYLSTRA: Yes, please. That would be</p>

<p style="text-align: right;">Page 38</p> <p>1 great. 2 (At 1:53 p.m., the deposition concluded.) 3 * * * 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 40</p> <p>1 Veritext Legal Solutions 2 1100 Superior Ave 3 Suite 1820 4 Cleveland, Ohio 44114 5 Phone: 216-523-1313 6 7 September 13, 2022 8 9 To: Ms. Zylstra 10 11 Case Name: Edgewood High School Of The Sacred Heart, Inc. v. City Of 12 Madison, Wisconsin, Et Al. 13 Veritext Reference Number: 5419461 14 Witness: Alan Harper Deposition Date: 8/31/2022 15 16 Dear Madam: 17 18 Enclosed please find a deposition transcript. Please have the witness 19 review the transcript and note any changes or corrections on the 20 included errata sheet, indicating the page, line number, change, and 21 the reason for the change. Have the witness' signature notarized and 22 forward the completed page(s) back to us at the Production address 23 shown 24 above, or email to production-midwest@veritext.com. 25 If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived. Sincerely, Production Department NO NOTARY REQUIRED IN CA</p>
<p style="text-align: right;">Page 39</p> <p>1 C E R T I F I C A T E 2 S T A T E O F W I S C O N S I N) 3) S S 4 M I L W A U K E E C O U N T Y) 5 I, VICKY L. ST. GEORGE, Registered Merit 6 Reporter and Notary Public in and for the State of 7 Wisconsin, do hereby certify that the preceding deposition 8 was recorded by me and reduced to writing under my 9 personal direction. 10 I further certify that said deposition was 11 taken at the offices of GODFREY & KAHN, S.C., One East 12 Main Street, Suite 500, Madison, Wisconsin on 13 August 30, 2022, commencing at 1:00 p.m. and concluding at 14 1:53 p.m. 15 I further certify that I am not a relative or 16 employee or attorney or counsel of any of the parties, or 17 a relative or employee of such attorney or counsel, or 18 financially interested directly or indirectly in this 19 action. 20 In witness whereof, I have hereunto set my hand 21 and affixed my seal of office at Milwaukee, Wisconsin, 22 this 3rd day of September, 2022. 23  24 VICKY L. ST. GEORGE 25 Notary Public in and for the State of Wisconsin Commission Expires 1/29/2025</p>	<p style="text-align: right;">Page 41</p> <p>1 DEPOSITION REVIEW 2 CERTIFICATION OF WITNESS 3 4 ASSIGNMENT REFERENCE NO: 5419461 5 CASE NAME: Edgewood High School Of The Sacred Heart, Inc. v. 6 City Of Madison, Wisconsin, Et Al. 7 DATE OF DEPOSITION: 8/31/2022 8 WITNESS' NAME: Alan Harper 9 In accordance with the Rules of Civil 10 Procedure, I have read the entire transcript of 11 my testimony or it has been read to me. 12 I have made no changes to the testimony 13 as transcribed by the court reporter. 14 15 Date _____ Alan Harper 16 Sworn to and subscribed before me, a 17 Notary Public in and for the State and County, 18 the referenced witness did personally appear 19 and acknowledge that: 20 21 They have read the transcript; 22 They signed the foregoing Sworn 23 Statement; and 24 Their execution of this Statement is of 25 their free act and deed. I have affixed my name and official seal this _____ day of _____, 20____. _____ Notary Public _____ Commission Expiration Date</p>

11 (Pages 38 - 41)

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1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS

2 ASSIGNMENT REFERENCE NO: 5419461

3 CASE NAME: Edgewood High School Of The Sacred Heart, Inc. v.
City Of Madison, Wisconsin, Et Al.

4 DATE OF DEPOSITION: 8/31/2022

5 WITNESS' NAME: Alan Harper

6 In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

7 I have listed my changes on the attached
Errata Sheet, listing page and line numbers as
well as the reason(s) for the change(s).

8 I request that these changes be entered
as part of the record of my testimony.

10 I have executed the Errata Sheet, as well
as this Certificate, and request and authorize
that both be appended to the transcript of my
testimony and be incorporated therein.

13 _____
Date Alan Harper

14 Sworn to and subscribed before me, a
15 Notary Public in and for the State and County,
the referenced witness did personally appear
16 and acknowledge that:

17 They have read the transcript;
They have listed all of their corrections
18 in the appended Errata Sheet;
They signed the foregoing Sworn
19 Statement; and
Their execution of this Statement is of
20 their free act and deed.

21 I have affixed my name and official seal
22 this _____ day of _____, 20____.

23 _____
Notary Public

24 _____
Commission Expiration Date

Page 43

1 ERRATA SHEET
VERITEXT LEGAL SOLUTIONS MIDWEST

2 ASSIGNMENT NO: 5419461

3 PAGE/LINE(S) / CHANGE /REASON

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____
Date Alan Harper

21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____

22 DAY OF _____, 20____.

23 _____
Notary Public

24 _____
Commission Expiration Date

12 (Pages 42 - 43)